

February 27, 2023

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
300 SW 10th Avenue, Room 346-S
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 267 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 267 is respectfully submitted to your committee.

SB 267 would add the term “primary aggressor” to the criminal code and the Protection from Abuse Act. “Primary aggressor” would be defined as the person determined to be the most significant aggressor rather than the first aggressor. In determining the primary aggressor, the court would be required to consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of domestic violence between the persons involved, the nature of the injuries suffered or inflicted on another, and whether either person acted in self-defense.

Law enforcement agencies would be required to add a statement to policies regarding domestic violence calls when two or more people report domestic violence that requires an officer to determine who was the primary aggressor and that arrest is the preferred response only with respect to the primary aggressor and not to a person who acts in a self-defense or the defense of others. The bill would amend the Protection from Abuse Act to require a court to determine that the plaintiff acted as the primary aggressor. The bill would also allow the court to extend a protective order for not less than two additional years and may extend a protective order up to the lifetime of the defendant.

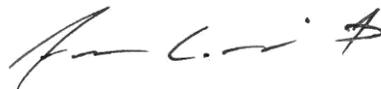
The Office of Judicial Administration indicates enactment of the bill could extend cases because it would require a judge to consider various factors when determining the primary aggressor in domestic violence cases. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Office cannot estimate a fiscal effect.

The Kansas Bureau of Investigation and the Highway Patrol indicate enactment of the bill would not have a fiscal effect. Any fiscal effect associated with SB 267 is not reflected in *The FY 2024 Governor's Budget Report*.

The League of Kansas Municipalities indicates enactment of the bill would increase costs to local law enforcement agencies to enforce the provisions of the bill and provide training. The League also notes that local emergency responder costs may decrease if further domestic violence incidents are prevented. However, a fiscal effect cannot be estimated.

The Kansas Association of Counties indicates enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Paul Weisgerber, Kansas Bureau of Investigation
Sherry Macke, Highway Patrol
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Vicki Jacobsen, Judiciary